



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

Writer's Direct Dial: (212) 416-6551

September 22, 2020

Via ECF

Honorable Cathy Seibel
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: Magalios v. Peralta et. al., 19 Civ. 6188 (CS)

Dear Judge Seibel:

This Office represents Correction Officer Matthew Peralta, Correction Officer Timothy Bailey, and Correction Officer Edward Blount ("Defendants") in the above referenced matter. I write, with Plaintiff's counsel's consent, to respectfully request a 6-week extension of time for the completion of the expert discovery deadline set forth in the Court's prior Order (Dkt. No. 19). There have been two prior requests to extend the discovery deadlines in this matter, which were both granted (Dkt. 16 and Dkt. 18). While in granting the extension request of June 23, 2020, Your Honor noted that there will be no further extensions, Defendants submit this request because Defendants only received Plaintiff's expert report yesterday. Accordingly, Defendants believe there is good cause for an extension as prior to receipt of Plaintiff's expert report, Defendants were unaware of Plaintiff's intention to rely on an expert.¹ Thus, additional time is needed to retain an expert and provide a rebuttal report.

The proposed deadlines are as follows:

EVENT	CURRENT DEADLINE	PROPOSED NEW DEADLINE
Completion of expert discovery	September 25, 2020	November 6, 2020
Pre-motion letter	October 16, 2020	November 27, 2020
Opposition	October 23, 2020	December 4, 2020

Wherefore, Defendants respectfully request that upon good cause shown, the Court grant Defendants request for an extension of time to complete expert discovery. In the alternative, if the

¹ Plaintiff did not seek to meet and confer pursuant to Section 5 of Your Honor's Civil Case Plan and Discovery Order and therefore, Defendants believed that Plaintiff would not be seeking to rely upon an expert.

extension is not granted, Defendants respectfully request that Plaintiff's expert be precluded for failing to comply with the Court's scheduling order.

Respectfully Submitted,

/s/

Jessica Acosta-Pettyjohn
Assistant Attorney General

Jessica.acosta-Pettyjohn@ag.ny.gov

cc: All Counsel (Via ECF)